IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2749 OF 2005

IN

FIRST APPEAL STAMP NO. 28588 OF 2004

The United India Insurance Co. Ltd. ..Appellants

versus

Suryakant D. Meherkhambe & Anr. ..Respondents

Mr. S. M. Vidyarthi for the Appellants.

Mr. M. B. Kotak for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 2ND SEPTEMBER,2005

P.C. :

1. Heard.

2. This is an application for condonation of delay of 194 days. Contention of Mr. Kotak is that insurer having not taken leave under Section 117, has no right to contest and had no right to file an appeal. That is the only contention regarding this Application. Explanation given is accepted. Delay is condoned. Application is allowed and disposed of.

3. Put up after two weeks for admission.

2.9.2005 (D.G. DESHPANDE, J.)